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C O N F I D E N T I A L SECTION 01 OF 02 YEREVAN 000059

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SUBJECT: IMPLAUSIBLE TRIAL OF FORMER DEPUTY
PROSECUTOR-GENERAL

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Classified By: Ambassador Marie Yovanovtich, reasons 1.4 (b,d).

SUMMARY

1. (C) At the latest court hearing in the trial of Armenia's former Deputy Prosecutor-General, a senior police officer acknowledged that the high-ranking law enforcement official did not put up any resistance during his arrest. The admission contradicts the charge leveled against Gagik Jhangirian, who was arrested in a swat-style operation one day after he had delivered a fiery pro-opposition speech disputing the February presidential election result. The revelation bolsters Jhangirian's claims that his arrest was politically motivated, and that the charge against him -- violence against police officers -- has no merit. The former Deputy Prosecutor-General called upon the judge to immediately order his release, but the judge's response was to schedule the next hearing for January 30. END SUMMARY.

POLICE OFFICIAL: FORMER DPG "DID NOT RESIST" ARREST

2. (SBU) In the latest session in the court case of Gagik Jhangirian, Armenia's former Deputy Prosecutor-General (DPG), a senior police officer admitted during two hours of questioning on January 20 that the DPG "did not resist" police officers during his February 23, 2008 arrest. The admission by the senior police official contradicts the charge against Jhangirian, who potentially faces five years' imprisonment for "violence against a representative of (the) authorities."

3. (SBU) When asked by Jhangirian's lawyer why the ex-DPG was taken into custody, the senior police officer, who is deputy chief of the Sixth Directorate of the Armenian police which is responsible for combating organized crime said, "Mr. Jhangirian was held after his brother put up resistance and he stepped in, yelling at officers and saying that his brother has back problems. And that's how a scuffle began." It was this same police official who ordered the arrest of the DPG and his brother Vartan Jhangirian back in February. (NOTE: The brother reportedly suffers from spinal tuberculosis, which leaves him barely able to walk. END NOTE.)

4. (SBU) Jhangirian seized upon the police official's admission to once again declare that his arrest was illegal and the charges against him groundless. He demanded during the hearing that the judge order his release. The ex-DPG's lawyer, Lusine Sahakian, told RFE/RL that the police official during the hearing "admitted today that he was not guided by any law. They (the authorities) just wanted to detain Gagik Jhangirian and they did it."

BACKGROUND ON JHANGIRIAN CASE

5. (SBU) After breaking ranks to openly support the opposition in its bid to overturn the presidential election result last February, the then-DPG gave a fiery speech February 22 in Freedom Square in support of opposition presidential candidate Levon Ter-Petrosian. In the same speech, he had also hinted that he would soon reveal who was "really" behind the October 1999 parliament assassinations, implying that Robert Kocharian and Serzh Sargsian were complicit. (NOTE: Jhangirian was the lead prosecutor who ran the investigation into the 1999 parliament shootings. END NOTE.) Jhangirian was quickly dismissed by then-President Kocharian February 23, and arrested around eleven o'clock the

same night in a SWAT-style operation by balaclava-wearing special police units of the 6th Department. These units, who were wearing black clothing rather than their regular police uniforms, lay in waiting for the DPG and three of his associates at a Yerevan intersection while the latter were making their way back to the capital from a nearby Yerevan suburb.

16. (SBU) Police at the time said that Jhangirian and his disabled brother, as well as the two associates following them in a second car, were armed and planned to "destabilize the situation in the capital." During the arrest, the DPG peacefully surrendered his weapons and supporting paperwork showing his handguns to be registered. According to the police, the DPG was subsequently taken to police headquarters where he is then alleged to have resisted arrest. (NOTE: The brother, Vartan Jhangirian, was shot by one of the police units during the arrest, apparently as a result of his slow exit from his car. He was not seriously injured. He was also arrested and charged with a more serious degree of resisting arrest. He was initially kept in custody for

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several months, but then released due to deteriorating health. His trial was suspended due to his health condition. END NOTE.)

A FAIR ADMINISTRATION OF JUSTICE?

17. (C) The sequence of events in Jhangirian's arrest and court case has bolstered critics' claims that the arrest was politically motivated. Initially detained for possession of illegal weapons, the DPG was then charged with resisting arrest, apparently after police determined that all of his guns were legally possessed. What police have now conceded in court, for the first time, is that the DPG did not resist arrest at the scene, and peacefully handed over the guns in his possession. He is alleged to have resisted only later when taken to local police headquarters.

18. (C) Moreover, the police maintain that they "had no idea" that the two cars they were waiting for contained the DPG. Yet, the special police units had set up a carefully-prepared stakeout. Furthermore, even though the DPG was a very high ranking law enforcement official, the police took him into custody for further investigation, in apparent contravention of Armenian law. (NOTE: The decree that announced his dismissal on February 23 only came into effect 24 hours after its issuance, so technically Jhangirian was still the DPG when arrested. The DPG can only be apprehended if permission is given by the Prosecutor General, which was not the case, according to police testimony. END NOTE.)

19. (C) Although the punishment -- up to 5 years jail -- is statutorily authorized, observers have remarked that it is greatly disproportionate to the crime alleged, even if all of the accusations against the defendant were true. There is no allegation that the DPG used any weapons or caused any physical injury to any police officer. While the statute does not require any of these elements, its application in this case seems unusual. That the charge of resisting arrest was leveled some time after the DPG peacefully surrendered his weapons also has bolstered critics' assertions that Jhangirian's arrest was politically motivated.

COMMENT

10. (C) The assertion that the police were unaware of the DPG's identity strains credulity. Jhangirian has been a nationally famous (or infamous) top-ranking law enforcement figure for many years, and it is inconceivable that his personal vehicle was not known even to average traffic police. This, along with the timing of his arrest and other indicators, leave little doubt that the case against him is political.

11. (C) That said, Jhangirian himself is no innocent. During the former LTP Administration, Jhangirian was among the most feared public officials in Armenia; a dominating power-broker atop the criminal justice hierarchy. The fact that he was able to remain in office so long after Ter-Petrosian's ouster -- with much-diminished day-to-day responsibility -- probably represented a carefully negotiated accommodation between Jhangirian and President Kocharian. This accommodation would have been exploded by Jhangirian's highly provocative speech last February. There was a brief moment around February 22-23, 2008 when the ruling authorities might have genuinely feared being unseated by a heady mix of popular protest and insider intrigues, and Jhangirian would

have represented just the kind of figure who might have been most dangerous: a powerful figure in the law enforcement apparatus who would know where many skeletons are buried and potentially capable of rallying a fifth column of sympathizers within the security forces. Faced with such a concern, it seems clear that the authorities acted first to contain the perceived threat, and only after the fact applied the patina of law to the proceedings. It is unsurprising that that cover by now looks rather thin.

YOVANOVITCH